

ITEM#: RESO 08-131  
FISCAL IMPACT: N/A  
FUNDING SOURCE: N/A  
ACCOUNT #: N/A  
BUDGET OPENING REQUIRED: N/A

**ISSUE:**

PUD-1-2007 – The Edge at Decker Lake – Modification to Development Agreement

**SYNOPSIS:**

Applicant: ASWN - Tim Soffe  
Proposal: Modify Development Agreement  
Location: 3000 South Decker Lake Drive  
Zoning: RM

**BACKGROUND:**

In July 2006, the City Council approved a General Plan Zone Change from manufacturing to high density on the above noted property. The approval was made subject to a development agreement that required all dwelling units to be for sale product and not rentals.

Over the last year and a half, the developer has been coordinating this subdivision plat with staff and various agencies. In conjunction with approvals from the Planning Commission and City Council, the review of the subdivision plat and site plan are near complete.

A few weeks ago, the developer approached staff about the possibility of modifying the approved conditional use and development agreement. The developer explained that market conditions have not been favorable for condominium developments. Mr. Soffe explained that financing for the condominium project was withdrawn by the property owner's financial institution.

The developer explained that because the rental market is strong, the bank would be willing to fund an apartment project if approved by the City. What complicates the banks suggestion is that the property was rezoned with a provision requiring home ownership. In order to make this kind of change, the developer would be required to modify the conditional use application with the Planning Commission and the development agreement with the City Council.

Because condominiums and apartments are listed as separate uses in the RM Zone, the Planning Commission would be charged with reviewing the amended conditional use application. However, the development agreement can only be modified by the City Council.

When the subject property was rezoned, the Planning Commission and City Council cited a number of reasons to change the land use classification from manufacturing to residential. The following were mentioned:

1. The property is near a planned light rail station.
2. The property is adjacent to a major employment center.
3. Development of this property would have good access to the entertainment area immediately to the south.
4. The text of the General Plan encourages mixed use centers near light-rail stops.

From the on-set of this project, the developer proposed a condominium development. The Planning Commission and Council felt that this type of residential housing would provide stability and longevity for residents living in this area of the City. The addition of a future light rail station and the benefits of the adjacent land uses near the E-Center, supported the concept of owner occupied living.

**RECOMMENDATION:**

The Planning Commission voted to approve the amended conditional use.

**SUBMITTED BY:**

Steve Lehman, Current Planning Manager